

**FLORIDA CONSTRUCTION INDUSTRY LICENSING BOARD**

**THE FLORIDA HOTEL AND CONFERENCE CENTER  
1500 SAND LAKE RD  
ORLANDO, FL 32809  
407-859-1500**

**GENERAL SESSION MINUTES**

**NOVEMBER 11 - 13, 2009**

**Board Members Present**

Paul Del Vecchio  
Peggy Bailey  
Robert Moody, Jr.  
Mark Pietanza  
Roy Lenois  
Carl Engelmeier  
James C. Evetts  
James Flaherty  
Raymond Holloway  
Michelle Kane  
William S. Sheehan  
Jacqueline Watts, Chair

**Board Members Absent**

Don Wilford  
Edward Weller  
Frank Bonuso  
Elbert Batton  
Jerry D. Hussey

**Others Present**

G. W. Harrell, Executive Director, DBPR  
Andy D. Janeczek, Government Analyst, DBPR  
David Spingler, Administrative Assistant, DBPR  
Daniel Biggins, Legal Advisor, AGO  
Carrol Cherry, Legal Advisor, AGO  
Jeff Kelly, Chief Prosecuting Attorney, DBPR  
Paul Waters, Prosecuting Attorney, DBPR

## **ADDITIONAL BUSINESS ENTITIES REVIEW**

***Division I Board Members met on November 11, 2009 from 1:48 pm to 3:45 pm. Mr. Hussey led the meeting. Of the 28 applications reviewed, 15 were approved, 5 were approved contingent, 2 were approved with conditions, 4 were denied, 1 was pulled and 1 was withdrawn.***

### Approved Applications

Alley, Sam  
Alley, Sam  
Anderson, Michael  
Aviles, Rene  
Booth, William  
Corell, Steven  
Fundora, Carlo  
Gornet, Michael  
Hendricks, Daniel  
Linder, Jerry  
Shull, Roger  
Shull, Roger  
Steelman, Christopher  
Wallace, Jerald  
Ziegler, James

### Approved Contingent

Avey, Gary - Contingent upon providing proof of ownership in company  
Hash, Paul - Contingent upon submitting copy of W2  
Konkol, David – Contingent upon submitting proof of 25% ownership; probation of 3 years will be applied upon approval  
Mather, Timothy – Contingent upon submitting proof of 25% ownership  
Otis, Michael – Contingent upon submittal of W2

### Conditional Approvals

Morrison, Michael – 4 years probation  
Perkins, Terrance – 4 years probation

### Applications Denied

Fundora, Carlo  
Gietz, Timothy  
Johnson, Robert  
Ruiz, Richanell – (Paul Del Vecchio recused himself causing quorum issues – a decision was not made at this meeting)

### Applications Withdrawn

Carter, James

### Applications Pulled

McWhorter, Ralph

***Division I & II Board Members met on November 11, 2009 from 3:47 pm to 3:50 pm. Mr. Hussey led the meeting. Of the 2 applications reviewed, 2 were approved.***

Approved Applications

Burkett, Roy (CBC)  
Burkett (CMC)

***Division II Board Members met on November 11, 2009 from 3:58 pm to 4:13 pm. Mr. Moody led the meeting. Of the 6 applications reviewed, 3 were approved, 1 was approved contingent and 2 were denied.***

Applications Approved

Martin, John C.  
Pfuner, Tho  
Zrallack, Robert

Approved Contingent

Counts, Steven – Contingent upon submitting proof of ownership within 60 days

Applications Denied

Jackson, Gerald  
Jackson, Gerald

**APPLICATION REVIEW**

***Division I Board Members met on November 12, 2009 from 1:31 pm to 4:17 pm. Mr. Sheehan led the meeting. Of the 37 applications reviewed, 7 were approved, 8 were approved with conditions, 15 were denied, 2 were continued, 2 were withdrawn, and 3 were pulled.***

Approved Applications

Cooner, Edward  
Freeman, Robert  
Maharaj, Sashi  
Mueller, Gregory  
Nadaskay, Aaron  
Shipman, Rickie  
Wilkinson, Rick

Conditional Approvals

Enoch, Bryan – Downgrade to CRC license  
Irr, Kristian – Downgrade to CBC and 4 years probation  
King, Charles – 4 years probation  
Lane, Michael – 4 years probation  
Lose, Jose – 2 years probation  
Perez, Luis – Downgrade to CRC and 4 years probation  
Theriault, Steven – downgrade to CBC and 4 years probation  
Tralongo, Jack – downgrade to CBC

Applications Denied

Arojado, Jennifer  
Arvanitopoulos, Nikolas  
Ayesh, Abdel  
Campbell, Lewin  
Castro, Yolanda  
Coker, Barry  
Delatour, Patrick  
Garrison, Ricky  
Gibson, Don  
Goldberg, Aaron  
Gonzalez, Hiram  
Goodman, Sam  
Houseman, Michael  
Howard, George  
Vardouniotis, Angelo

Applications Continued

Pooler, Thomas – continued for 60 days to provide experience  
Visser, Patrick – continued for 60 days to provide experience

Applications Withdrawn

Fidler, Timothy  
Johnson, Chetwood

Applications Pulled

Brewer, Jacob  
Fulks, Jimmy  
Guess, Aaron

***Division I & II Board members met on November 12, 2009 from 4:23 pm to 4:27 pm. Mr. Sheehan led the meeting. Of the 2 applications reviewed, both were denied.***

Applications Denied

Mullen, Brian (CPC license)  
Mullen, Brian (CGC license)

***Division II Board members met on November 12, 2009 from 4:31 pm to 5:36 pm. Mr. Lenois led the meeting. Of the 14 applications reviewed, 5 were approved, 1 was approved with conditions, 7 were denied, 1 was pulled and 1 was continued.***

Applications Approved

Brechbiel, Timothy  
Kane, Raymond  
Swanson, William  
Thaler, Daniel

Conditional Approval

Moore, George – 4 years probation

Applications Denied

Babazadeh, Ali  
Carbonell, Alfredo  
Kolke, Brian  
Varsi, Giovanni  
Vincent, Manuel  
Willett, Mel  
Willingham, Mike

Applications Pulled

Mathes, Kenneth

Applications Continued

Beringhaus, Robert – continued 60 days to provide proof of experience

The board voted unanimously to ratify the list of Financially Responsible Officers from October 2009.

**PROBATION**

**PROBATION COMMITTEE**

***The Division II board members met for probation on November 12, 2009 at 1:30 pm.  
The meeting was led by Mr. Engelmeier.***

**Aiello, John,** (CAC 1815313)

Result: Satisfactory

**Arambula, David,** (CCC 1328826)

Result: Satisfactory

**Burchfield, Joseph,** (CCC 58201)

Result: Satisfactory

**McDonald, Paul,** (CCC 1326092)

Result: Stay of Suspension lifted

**McKenna, Kenneth,** (CPC 1456482)

Result: Satisfactory

**Teixeira, Barry,** (CFC 1427464)

Result: Satisfactory

**Westbrook, Larry,** (CAC 1816209)

Result: Satisfactory

***Division I & II board members met for probation on November 12, 2009 at 2:45 pm. The meeting was led by Mr. Engelmeier.***

**Bookhardt, Aldon,** (CGC 1505081, CCC 57655)  
Result: Continued to January 2010

***Division I board members met for probation on November 12, 2009 at 3:45 pm. The meeting was led by James Evetts.***

**Cerber, Sinclair,** (CGC 1510534)  
Result: Satisfactory

**D'Aprix, Rexford,** (CBC 1256975)  
Result: Satisfactory

**Dulworth, Jean,** (CGC 1516266)  
Result: Satisfactory

**Goodman, Sam,** (CBC 57446)  
Result: Satisfactory

**Karten, Kevin,** (CGC 61616)  
Result: Unsatisfactory

**Ko, Oon Teong,** (CGC 1516966)  
Result: Satisfactory

**Kodsy, Sherif,** (RB 29003399)  
Result: 6 month continuance granted

**Lemire, Aaron,** (CRC 1329931)  
Result: Satisfactory

**McKeehan, Jason,** (CGC 1516826)  
Result: 6 month continuance granted

**Neff, Herbert,** (CGC 51895)  
Result: Satisfactory

**Raimi, Manuel,** (CBC 12196)  
Result: Satisfactory

**Rickel, Robert,** (CGC 58696)  
Result: Satisfactory

**Rudzik, Thomas,** (CGC 1512728)  
Result: 6 month continuance granted

**Saylor, Robert,** (CGC 21753)

Result. Satisfactory

**Tucker, Cheryl**, (CGC 61605)  
Result: Stay of Suspension lifted

**Tyler, Robert**, (CGC 62699)  
Result: Satisfactory

### **GENERAL SESSION**

The meeting was called to order by Ms. Jacqueline Watts, Chair, at 8:30 a.m. Ms. Bailey gave the Invocation. Mr. Evetts led the Pledge of Allegiance.

### **REVIEW OF MINUTES**

#### **A. Final Action Minutes – October 2009**

The board voted unanimously to approve these minutes.

### **EXECUTIVE DIRECTOR'S REPORT – G.W. HARRELL**

Mr. Harrell brought up how the board reviews financial background for application. Mr. Harrell thanked the board for being fair and looking at the entire financial picture of applicants and commended the board in their discretion while reviewing these applications.

With nothing further to report the board voted unanimously to approve this report.

### **CHAIRMAN'S REPORT – JACQUELINE WATTS**

Ms. Watts excused the following absences:

Mr. Hussey  
Mr. Batton

The board voted to give Mr. Weller, Mr. Wilford, and Mr. Bonuso unexcused absences.

Ms. Watts thanked Ms. Bailey for stepping in to establish a quorum throughout the meeting so the meeting could progress.

Ms. Watts stated the Nominating Committee's recommendation was that Mr. Sheehan would step up to Chair and Mr. Pietanza would become Vice Chair. The board voted unanimously to accept the recommendations of the Nominating Committee.

Ms. Watts recognized Barry Kalmanson's service to the Board.

With nothing further to report the board voted unanimously to approve this report.

## **PROSECUTING ATTORNEY'S REPORT – JEFF KELLY**

Mr. Kelly gave the following report:

For October 2009 the overall case load was 1,664, up from 1,663 for September 2009, and down from 2,313 for October of 2008.

There were 548 cases to be reviewed in Legal, 54 cases set for probable cause and 397 cases where probable cause had been found/administrative complaints filed. 199 cases were ready for default, 29 cases had stipulations executed/informal hearings requested, and 97 cases had requested formal hearings. There were 12 cases referred to DOAH, 52 cases in settlement negotiations, 115 cases awaiting final orders, and 160 cases set for Board presentation. There were 0 cases under appeal and 1 case re-opened. 172 cases were closed for the month of October.

With nothing further to report the board voted unanimously to approve this report.

## **ATTORNEY GENERAL'S REPORT – DAN BIGGINS AND CAROL CHERRY**

### **RODNEY S. FISCHER – PETITION FOR DECLARATORY STATEMENT**

Mr. Fischer was present. A representative from the Florida Pool & Spa Association, Jennifer Hatfield, was also present. A representative from the United Pool & Spa Contractors Association, Bruce Kirschner, was also present.

Mr. Biggins presented this case as a Petition for a Declaratory Statement asking, "Can a Swimming Pool/Spa Servicing Contractor do work that includes penetration or modification or a swimming pool concrete structure", and, "Can a Swimming Pool/Spa Servicing Contractor change a filtration system from a direct suction type to a gravity fed collection tank type system".

After discussion the board voted unanimously that the petitioner had standing. The board voted unanimously to answer the first question in the negative. The board voted unanimously to answer the first question in the negative.

### **NICHOLAS K. BODWELL – REQUEST FOR INFORMAL HEARING**

Mr. Bodwell was present.

Mr. Biggins presented this case stating that Nicholas Bodwell's application for initial licensure as a Certified Building Contractor license and the application to qualify an additional business entity under his Certified Mechanical Contractor were denied at the June 2009 meeting for failing to sufficiently provide evidence of his qualifications. Mr. Bodwell received a Notice of Intent to Deny in July of 2009. Mr. Bodwell timely requested board reconsideration.

After discussion the board voted unanimously to send the application back to the Application Review Committee in January 2010.



### **JOHN CARRIEGO – REQUEST FOR INFORMAL HEARING**

Mr. Carriego was not present.

Mr. Biggins presented this case stating John Carriego's application for reinstatement of a Null & Void Certified Residential Contractor's license was denied at the July 2009 meeting for failing to present evidence of a good faith effort to comply with the license renewal statutes and rules and failing to present evidence that rises to the level of illness or unusual hardship. Mr. Carriego received a Notice of Intent to Deny in September 2009. Mr. Carriego timely requested board reconsideration.

After discussion the board voted unanimously to uphold the denial.

### **STEVE CSEREP – REQUEST FOR INFORMAL HEARING**

Mr. Cserep was present.

Mr. Biggins presented this case stating Steve Cserep's application for initial licensure as a Certified General contractor was denied at the June 2009 meeting for failure to demonstrate the required experience and failure to demonstrate financial stability. Mr. Cserep received a Notice of Intent to Deny in July 2009. Mr. Cserep timely requested board reconsideration.

After discussion the board voted unanimously to uphold the denial.

### **STEVE DELBRUNE – REQUEST FOR INFORMAL HEARING**

Mr. Delbrune was present.

Mr. Biggins presented this case stating Steve Delbrune's application for initial licensure as a Certified General contractor was denied at the July 2009 meeting for failure to demonstrate the required experience. Mr. Delbrune received a Notice of Intent to Deny in September 2009. Mr. Delbrune timely requested board reconsideration.

After discussion the board voted unanimously to approve this application as a Certified Building Contractor's license.

### **MATTHEW J. JONES, JR. – REQUEST FOR INFORMAL HEARING**

Mr. Jones was present.

Mr. Biggins presented this case stating Matthew Jones Jr. application for initial licensure as a Certified Building contractor was denied at the July 2009 meeting for failure to demonstrate the required experience. Mr. Jones received a Notice of Intent to Deny in September 2009. Mr. Jones timely requested board reconsideration.

After discussion the board voted unanimously to approve the application as a Certified Residential Contractor's license.

### **YAMILEY MARTINEZ – REQUEST FOR INFORMAL HEARING**

Ms. Martinez was present.

Mr. Biggins presented this case stating Yamiley Martinez' application for initial licensure as a Certified Underground Utility and Excavation contractor was denied at the June 2009 meeting for failure to demonstrate financial stability and failure to demonstrate good moral character. Ms. Martinez received a Notice of Intent to Deny in July 2009. Ms. Martinez timely requested board reconsideration.

After discussion the board voted unanimously to uphold the denial.

### **MARK PAPA – REQUEST FOR INFORMAL HEARING**

Mr. Papa was present.

Mr. Biggins presented this case stating Mark Papa's application for a change of status of his Certified Plumbing contractor's license was denied at the July 2009 meeting because Mr. Papa was the subject of pending discipline. Mr. Papa received a Notice of Intent to Deny in September 2009. Mr. Papa timely requested board reconsideration.

After discussion the board voted unanimously to approve the application with 4 satisfactory appearances in front of the probation committee.

### **ALBERT VALDIVIA – REQUEST FOR INFORMAL HEARING**

Mr. Valdivia was present.

Mr. Biggins presented this case stating Albert Valdivia's application for a change of status from inactive to active of a Certified General contractor's license was denied at the June 2009 meeting because Mr. Valdivia was the subject of pending discipline. Mr. Valdivia received a Notice of Intent to Deny in July 2009. Mr. Valdivia timely requested board reconsideration.

After discussion the board voted unanimously to approve the application.

### **DIETMAR WASCH – REQUEST FOR INFORMAL HEARING**

Mr. Wasch was present.

Mr. Biggins presented this case stating Dietmar Wasch's application for initial licensure as a Certified Solar contractor and application to qualify an additional entity under his current Certified Specialty Structure contractor's license were denied at the April 2009 meeting for failure to provide sufficient evidence of his qualifications. Mr. Wasch received a Notice of Intent to Deny in May of 2009. Mr. Wasch timely requested board reconsideration.

After discussion the board voted unanimously to uphold the denial of the applications.

## **STEPHEN TRIPP – REQUEST FOR INFORMAL HEARING/RECONSIDERATION**

Mr. Tripp was present.

Mr. Biggins presented this case stating Stephen Tripp's application for a change of status of his Certified Roofing License was approved contingent upon Mr. Tripp providing an FRO bond. Mr. Tripp received a Notice of Intent of Contingent Approval. Mr. Tripp timely requested board reconsideration.

After discussion the board voted to approve the application with 4 satisfactory appearances in front of the probation committee.

## **COMMITTEE REPORTS**

### **EXAMS/CE/PUBLIC AWARENESS COMMITTEE – JAMES FLAHERTY**

Mr. Flaherty gave the following report:

#### **American Construction School**

1<sup>st</sup> Course – Mold Remediation - denied

#### **American Management Resources Corporation**

1<sup>st</sup> Course – Lead Safety for Renovation, Repair, and Painting - denied

#### **BOAF/FHBA Construction Training**

1<sup>st</sup> Course – Advanced Mitigation Retrofits - approved

2<sup>nd</sup> Course – Radon Training Advanced Mitigation Retrofits - approved

#### **Construction Estimating Institute**

1<sup>st</sup> Course – Florida Construction Laws and Rules - denied

2<sup>nd</sup> Course – Strengthening Roofs - denied

#### **Contractors School Inc. Construction Estimating Institute**

1<sup>st</sup> Course – Green Building - approved

#### **Department of Community Affairs**

1<sup>st</sup> Course – Florida Accessibility Code for Building Construction - denied

#### **Florida Association of Plumbing, Heating, and Cooling Contractors**

1<sup>st</sup> Course – BOSS (Business Operations and Success Systems) - approved

2<sup>nd</sup> Course – Caring for our Water - approved

3<sup>rd</sup> Course – Climate Care - approved

4<sup>th</sup> Course – Into to Design & Installation Or Rainwater Harvesting Systems - approved

5<sup>th</sup> Course – Legislative Update – Actions Impacting your Business - approved

6<sup>th</sup> Course – Water Efficient Technology - approved

#### **Florida Masonry Apprentice & Educational Foundation**

1<sup>st</sup> Course – Preventing Moisture Problems in Masonry Construction - approved

### **FRSA Educational & Research Foundation**

1<sup>ST</sup> Course – Understanding Metal Roofing Products and Design - approved

### **Gold Coast School of Construction**

1<sup>st</sup> Course – Centrifugal Pool Pumps – approved

2<sup>nd</sup> Course – Chemistry in Pool Water Treatment - approved

3<sup>rd</sup> Course – Know your Building Code! (classroom) - approved

4<sup>th</sup> Course – Know your Building Code! (internet) - approved

5<sup>th</sup> Course – Residential Pool Maintenance Techniques - approved

6<sup>th</sup> Course – Swimming Pool Leak Detection & Repair Techniques (classroom) - approved

7<sup>th</sup> Course – Types & Uses of Swimming Pool Filters (classroom) - approved

\*\*All of the above courses were approved contingent on unqualified instructors being removed\*\*

### **John K. Wiggins**

1<sup>st</sup> Course – Starting a Business - approved (no ADA)

2<sup>nd</sup> Course – The MSDS F.A.Q. - approved

3<sup>rd</sup> Course – Wage & Hour Laws F.A.Q - approved (no ADA)

4<sup>th</sup> Course – Workman Comp Tips and Workmen’s Compensation - approved (no ADA)

### **Koning Enterprises, Inc. d/b/a Contractors Institute**

1<sup>st</sup> Course – 14 hour Contractor Financial Responsibility - approved

### **Mercury Medical**

1<sup>st</sup> Course – Medical Gas Piping Installation - approved

### **National Roofing Contractors Association**

1<sup>st</sup> Course – Profitability through Effective Safety Programs - approved

2<sup>nd</sup> Course – Vegetative Roof Systems: Your Rewards, Responsibilities & Risks - approved

### **Northwest Florida Chapter AGC**

1<sup>st</sup> Course – Best-in-Class Construction Industry Practices - approved

### **Pinch A Penny, Inc.**

1<sup>st</sup> Course – A New Era for Pool Contractors - withdrawn

2<sup>nd</sup> Course – Quickbooks & RMS Integration - approved

### **Plumbing, Air Conditioning Contractors Industry**

1<sup>st</sup> Course – Avoiding Duct Mold & Controlling Duct Mold with UV - denied

2<sup>nd</sup> Course – Business Practices of 489 of Laws & Rules - approved

3<sup>rd</sup> Course – Florida Handicap & Accessibility Code - approved

4<sup>th</sup> Course – Fundamentals of Back Flow for Contractors - approved

5<sup>th</sup> Course – Installation and Venting for Sanitary Plumbing Systems - approved

6<sup>th</sup> Course – Installation of Commercial Cooking Hoods - approved

7<sup>th</sup> Course – Medical Gas I & II - approved

8<sup>th</sup> Course – Test & Balance – Commissioning - approved

9<sup>th</sup> Course – Plumbing and Mechanical Code Review - approved

10th Course – Using SMACNA NAIMA Manuals - approved

**Shavell & Company, P.A.**

1<sup>st</sup> Course – Tax Update 2010 (1 hr) - approved (Business Practice Credit only)

2<sup>nd</sup> Course – Tax Update 2010 (2 hrs) - approved (Business Practice Credit only)

**Timothy R. Hinson**

1<sup>st</sup> Course – Workplace Safety - approved

**University of West Florida**

1<sup>st</sup> Course – CDT Prep Course - denied

**The Florida Bar**

1<sup>st</sup> Course – 2010 Construction Law Institute - approved (11.5 hours only)

The board voted unanimously to accept the recommendations of this committee.

**AD HOC LICENSURE QUALIFICATIONS COMMITTEE – JACQUELINE WATTS**

***The Ad Hoc Licensure Qualifications Committee for Division II met on November 11, 2009 at 5:45 pm. The Committee was led by Ms. Watts. She gave the following report:***

Ms. Watts stated the Swimming Pool Contractors be the test case for the pre-licensure education issues that have been discussed.

***The Ad Hoc Licensure Qualifications Committee for Division I met on November 11, 2009 at 6:00 pm. The Committee was led by Mr. Sheehan. He gave the following report:***

Mr. Sheehan stated that the issues have been with residential builders as most of the Final Action cases that have come before the board have been residential in nature, and that Arizona solved this problem with Bonds. Mr. Sheehan suggested that bonds might solve this issue in the residential sector. Mr. Del Vecchio stated there are scope inconsistencies throughout the different counties and this has contributed to applicants going for the General Contractors license to “cover their bases” and is contributing to the fraudulent experience verification issues.

With no further discussion the board voted unanimously to approve these reports.

**RULES/PUBLIC/LEGISLATIVE COMMITTEE – MARK PIETANZA**

The following Rules have been **Noticed**:

61G4-12.006 Approved Form

61G4-15.001 Qualification for Certification

61G4-15.0021 Certification and Registration of Business Organizations

61G4-15.0022 Qualifications of Joint Ventures

61G4-15.028 Precision Tank Testers

61G4-15.029 Tank Lining Applicators

61G4-15.032 Certification of Swimming Pool Specialty Contractors

61G4-18.003 Registration of Course Providers

61G4-21.003 Filing Claims

The following Rules have been **Adopted**:

61G4-18.014 Continuing Education Seminars

The board voted unanimously to accept the recommendations of this committee.

### **OLD BUSINESS**

Removal of board materials from laptops.

### **NEW BUSINESS**

Mr. Evetts brought up the issue of the American Disabilities Act, and recommended that contractors have to take Continuing Education courses instructing them on the American Disabilities Act.

Ms. Watts brought up the issues with the absences by board members and made it clear that board members need to understand the ramifications of missing meetings. Ms. Watts brought up that there were quorum issues in Final Action as ten cases were pulled because there were quorum issues.

With no further business the meeting was adjourned.